

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS V. DURAN, : **CIVIL ACTION NO. 4:14-CV-2047**

Plaintiff : **(Chief Judge Conner)**

v. :

COUNTY OF CLINTON, :

Defendant :

ORDER

AND NOW, this 3rd day of July, 2019, upon consideration of the motion (Doc. 68) *in limine* and the motion (Doc. 79) for spoliation sanctions filed by plaintiff Thomas V. Duran (“Duran”), and further upon consideration of the omnibus motion (Doc. 70) *in limine* and the motions (Docs. 90, 93) to quash trial subpoenas filed by defendant County of Clinton (the “County”), and the parties’ respective briefs in support of and opposition to each motion, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Duran’s motion (Doc. 68) *in limine* is DENIED as moot and without prejudice to Duran’s right to refile same in the event circumstances change and the County expresses an intent to introduce expert witness testimony at trial.
2. Duran’s motion (Doc. 79) for spoliation sanctions is DENIED.
3. The County’s motion (Doc. 90) to quash trial subpoenas issued to Suzy Watson and Ernie Jackson is GRANTED.
4. The County’s omnibus motion (Doc. 70) *in limine* is GRANTED in part and DENIED in part as follows:
 - a. Duran may not introduce testimony, evidence, or argument about the destruction of County emails on June 20, 2014.

- b. The motion is otherwise DENIED without prejudice to the County's right to raise appropriate objections at trial in accordance with the court's accompanying memorandum.
- 5. The County's motion (Doc. 93) to quash the trial subpoena issued to Connie Eck is DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania